

From: [Figur, Charles \(he/him\)](#)
To: [Hall, Katherin](#); jon.h.bloomberg@xcelenergy.com
Cc: [Talbert, Stephanie](#); [R8 Hearing Clerk](#)
Subject: RE: RCRA-08-2022-0008
Date: Thursday, May 19, 2022 2:24:00 PM

Good afternoon -

Counsel for the parties have conferred and agree that paragraph 136 can be harmonized with paragraphs 145 and 153, and agree these provisions are to be read by the parties as follows.

If Respondent receives notice of EPA's intent to revoke the agreement pursuant to paragraph 153 Respondent may initiate dispute resolution pursuant to Section IX. Revocation will not be complete until the conclusion of the dispute resolution process.

If Respondent objects to other actions taken by EPA pursuant to the agreement, including issuance of a demand for stipulated penalties, Respondent may initiate dispute resolution pursuant to Section IX. If Respondent initiates dispute resolution and EPA determines that Respondent remains in non-compliance after the conclusion of the dispute resolution process, EPA may (but is not required to) refer that non-compliance to the Department of Justice pursuant to paragraph 145. If Respondent does not initiate dispute resolution EPA may (but is not required to) refer the non-compliance to the Department of Justice pursuant to paragraph 145.

Sincerely,

Charles L. Figur

Senior Assistant Regional Counsel
Audit Policy Co-coordinator for Region 8
Legal Enforcement Branch (8ORC-R)
U. S. Environmental Protection Agency Region 8
1595 Wynkoop Street, Denver, CO 80202-1129
(303) 312-6915; Figur.Charles@epa.gov
Pronouns: he, him, his

ECN: 510.0003.2021_XcelComanche

From: Hall, Katherin <hall.katherin@epa.gov>
Sent: Thursday, May 19, 2022 11:34 AM
To: Figur, Charles (he/him) <Figur.Charles@epa.gov>; jon.h.bloomberg@xcelenergy.com
Cc: Talbert, Stephanie <Talbert.Stephanie@epa.gov>; [R8 Hearing Clerk](#) <R8_Hearing_Clerk@epa.gov>
Subject: RE: RCRA-08-2022-0008

Thanks for your email. I look forward to your response, which does not need to be extensive.

Katherin E. Hall (she/her)
Assistant Regional Counsel | Regional Judicial Officer
Office of Regional Counsel | Region 8
303.312.6280

From: Figur, Charles (he/him) <Figur.Charles@epa.gov>
Sent: Thursday, May 19, 2022 11:07 AM
To: Hall, Katherin <hall.katherin@epa.gov>; jon.h.bloomberg@xcelenergy.com
Cc: Talbert, Stephanie <Talbert.Stephanie@epa.gov>; R8 Hearing Clerk
<R8_Hearing_Clerk@epa.gov>
Subject: RE: RCRA-08-2022-0008

Thank you for your message.

Mr. Bloomberg and I expect to be able to respond jointly this afternoon. At present we do not anticipate the need for modification of the agreement.

Sinceely,

Charles L. Figur
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ECN: 510.0003.2021_XcelComanche

From: Hall, Katherin <hall.katherin@epa.gov>
Sent: Thursday, May 19, 2022 10:39 AM
To: Figur, Charles (he/him) <Figur.Charles@epa.gov>; jon.h.bloomberg@xcelenergy.com
Cc: Talbert, Stephanie <Talbert.Stephanie@epa.gov>; R8 Hearing Clerk
<R8_Hearing_Clerk@epa.gov>
Subject: RCRA-08-2022-0008

Parties:

I appreciate your patience as I review this consent agreement. Can you please confer with each other and let me know how paragraph 136 can be reconciled, as currently drafted, with paragraphs 145 and 153? One or both of you may respond to this email. If you prefer, I can set up a call. If you are both in

agreement that the paragraphs can be read in harmony, without changes, please let me know and provide a brief explanation. If, instead, you determine that changes are necessary, please advise me that you are modifying the agreement.

Please note that I'll be on leave beginning May 31st. The alternate RJO will be available in my absence, but is not yet familiar with this agreement, which may delay issuance of a final order. She is copied here, in the event her involvement becomes necessary.

Thank you in advance.

Katherin E. Hall (she/her)

Assistant Regional Counsel | Regional Judicial Officer
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